

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

IN RE: FRAGER McCLINE

**CHAPTER 13
Case No. 24-51726-KMS**

NOTICE OF MOTION TO MODIFY CHAPTER 13 PLAN

PLEASE TAKE NOTICE that a written objection to the below Motion to Modify Chapter 13 Plan must be filed with the U.S. Bankruptcy Court Clerk's Office, Dan M. Russell, Jr. U.S. Courthouse, 2012 15th Street, Suite 244, Gulfport, MS 39501, within thirty (30) days of the date of this notice. If an objection is timely filed, the Court will schedule a hearing. Failure to file an objection within the thirty (30) day period may result in the relief requested by the Motion being granted by default.

Respectfully submitted,

/s/ Phillip Brent Dunnaway
PHILLIP BRENT DUNNAWAY
MS Bar No. 100443

MOTION TO MODIFY CHAPTER 13 PLAN

COMES NOW the Chapter 13 Trustee, by and through undersigned counsel, and files this Motion to Modify Chapter 13 Plan, pursuant to 11 U.S.C. § 1329, and in support hereof, would show unto this Honorable Court the following, to-wit:

1.

This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b).

2.

The Trustee holds \$3,615.20 resulting from a turnover of pre-petition garnished funds.

3.

The Trustee moves to modify Debtor's plan to provide that the \$3,615.20 be distributed and/or applied as follows:

- a. \$1,204.00 to Debtor's Counsel, T.C. Rollins, Esq., to offset the remaining balance of Mr. Rollins's attorney's fees in this case, which is currently \$2,352.47;
- b. \$ 216.91 to be applied to trusteeship administrative expense;
- c. \$2,194.29 to be disbursed pro rata to timely filed and allowed non-priority general unsecured claimholders.

WHEREFORE, PREMISES CONSIDERED the Trustee prays that this Motion to Modify be received and filed and that an order be entered modifying Debtor's plan in accordance herewith, and prays for such other and further relief to which the Trustee may be entitled.

Respectfully submitted,

/s/ Phillip Brent Dunnaway
PHILLIP BRENT DUNNAWAY
MS Bar No. 100443

CERTIFICATE OF SERVICE

I, PHILLIP BRENT DUNNAWAY, Attorney for the Chapter 13 Trustee, do hereby certify that I have served electronically, a true and correct copy of the above Notice and Motion to Modify Chapter 13 Plan to:

David Asbach, Esq., United States Trustee

USTPRegion05.JA.ECF@usdoj.gov

T.C. Rollins, Esq., Attorney for Debtor

trollins@therollinsfirm.com

and to all other parties in interest on Court matrix – attached Exhibit “A”.

DATED, this the 24th day of June 2025.

/s/ Phillip Brent Dunnaway
PHILLIP BRENT DUNNAWAY
MS Bar No. 100443

Phillip Brent Dunnaway, Esq.
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